REMARKS

The above Amendment and these Remarks are in response to the Notice of Non-Compliant dated January 14, 2009 and the Office Action mailed August 5, 2008. A Petition for Extension of Time is filed herewith. Claims 1-65 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-65. This response amends claims 1-33; 35-37; 40-54; 56-64, leaving for Examiner's consideration claims 1-64. Reconsideration of the rejections is respectfully requested.

I.   Specification

The title of the invention was objected because the trademark or trade name JAVA should be capitalized or accompanied with the appropriate designation symbol.

The Abstract of the disclosure is objected to because it should avoid using phrases which can be implied, such as, "The disclosure concerns" etc. The title has been corrected to comply with the requirement by the Examiner.

The disclosure is objected to because the attorney docket numbers should be deleted. Paragraphs **[0003]**, **[0005]** and **[0006]** have been amended to delete the attorney docket numbers.

The disclosure is objected to because it contains an embedded hyperlink. Paragraph **[0007]** has been amended to remove the embedded hyperlink.

The use of trademark, such as JAVA, has been noted in this application.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 44-64 have been amended to accordingly, based on the Examiner's suggestion.

II. Claim Objection

Claims 2-22, 24, 28, 37-41, 45, 49, and 58-60 are objected to because of informalities. Applicant respectfully submits that Claims 2-22, 24, 28, 37-41, 45, 49, and 58-60 have been amended to comply with the Examiner's requirement.

III. Claim Rejection – 35 U.S.C. § 112

Claims 1-65 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully submits that Paragraph **[0026]** - **[0027]** and **[0032]** in the Specification discloses the limitation of using a Java® type that provides XML-oriented data manipulation. Reconsideration of the rejections is respectfully requested.

Claims 1-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which applicant regards as the invention.

IV. Claim Rejection – 35 U.S.C. § 101

Claims 1-22, 40-43, and 65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully submits that Claims 1-22, and 40-43 have been amended to satisfy the statutory requirement under 35 U.S.C. 101. In addition, Claim 65 has been canceled.

V. Claim Rejection – 35 U.S.C. § 102

Claims 1-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Hershberg, *et al.* USPN 7,155,705.

Claim 1

Claim 1 has been amended to define a feature of "*an object-oriented programming language type which corresponds to the XML schema and provides XML-oriented data manipulation, wherein the object-oriented programming language type allows the combination of XML and object-oriented programming language type systems and is capable of accessing and manipulating the XML data from within an object-oriented programming language.*"

Applicant respectfully submits that the user-defined doclet that is included in the JavaDoc process, as disclosed in Hershberg (Figures **1-2** and Column **9**, Lines **21-32** and **56-57**, and Table **3**), does not implement an object-oriented programming language type (Such as a JAVA type) that provides XML-oriented data manipulation. As disclosed in Paragraph **[0027]** and **[0032]**, a object-oriented programming language type such as a XMLObject JAVA type allows accessing and manipulating the XML data from within Java using the combination of XML and Java type systems.

Hence, the object-oriented programming language type in the present invention is not a document type declaration in a DTD file for an XML processor or a user-defined doclet as disclosed in Hershberg. Therefore, Hershberg can not anticipate or render the present invention obvious, and independent claim 1 should be in allowable condition.

In view of the above comments, Applicant respectfully submits that Claim 1, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 15, 18, 19, 23, 37, 40, 41, 44, 58, 61, 62 and 65

Claims 15, 18, 19, 23, 37, 40, 41, 44, 58, 61, 62 and 65, while independently patentable, recite limitations that similarly to Claim 1 are not disclosed nor rendered obvious by the cited references. Reconsideration thereof is respectfully requested.

Claims 2-3, and 13

Claims 2-3 and 13 have all been amended to state a feature of "*the compiler is capable of generating the object-oriented programming language type,*" based on different definitions.

On the other hand, as cited by the Examiner, Column 10, Lines 12-15 of Hershberg describes an example XML document with statements using a DTD file. Applicant respectfully submits that a statement in an XML document, as in Hershberg, is not an object-oriented programming language type, such as a JAVA type. Therefore, Hershberg can not anticipate the present invention as embodied in Claims 2-3 and 13. Hence, Claims 2-3 and 13 should be in allowable condition.

In view of the above comments, Applicant respectfully submits that Claims 2-3 and 13, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 4-12, 14, 16-17, 20-22, 24-36, 38-39, 42-43, 45-57, 59-60, and 64

Claims 4-12, 14, 16-17, 20-22, 24-36, 38-39, 42-43, 45-57, 59-60, and 64 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant respectfully reserves the right to argue these limitations should it become necessary in the future.

VI.   Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting the issuance of a patent.

A Petition for Extension of Time is filed herewith for responding to the Office Action up until December 5, 2008.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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